

## 1 HOUSE BILL NO. 92

2 INTRODUCED BY K. KELKER

3 BY REQUEST OF THE LAW AND JUSTICE INTERIM COMMITTEE

4

5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING COMPENSATION FOR PEOPLE WHO HAVE BEEN

6 WRONGLY CONVICTED OF FELONY CRIMES AND EXONERATED; PROVIDING A PROCEDURE FOR

7 FILING AND DETERMINING PETITIONS FOR COMPENSATION; PROVIDING FOR AN ELECTION OF

8 REMEDIES; PROVIDING FOR EXPUNGEMENT OF CONVICTION AND THE PAYMENT OF DAMAGES FOR

9 SUCCESSFUL PETITIONS; PROVIDING OFFSETS FOR DAMAGES OBTAINED IN OTHER LITIGATION;

10 PROVIDING FOR COUNTY AND CONSOLIDATED GOVERNMENT CONTRIBUTION TOWARD DAMAGES,

11 COSTS, AND ATTORNEY FEES AWARDED; CREATING A STATE SPECIAL REVENUE ACCOUNT;

12 PROVIDING A TRANSFER; PROVIDING ~~AN APPROPRIATION~~ A STATUTORY APPROPRIATION;

13 AMENDING ~~SECTION~~ SECTIONS 17-7-502 AND 46-23-1041, MCA; AND PROVIDING AN EFFECTIVE DATE

14 AND A TERMINATION DATE."

15

16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

17

18 NEW SECTION. Section 1. Definitions. As used in [sections 1 through ~~6~~ 7 ~~8~~], the following

19 definitions apply:

20 (1) "Claimant" means a person who:

21 (a) was convicted and subsequently imprisoned for one or more felony crimes that the person did not

22 commit; ~~and~~

23 (b) is not currently serving a term of imprisonment; and

24 (c) meets the requirements of [section 2].

25 (2) "Imprisonment" means a term of confinement of at least 6 months in a correctional institution as

26 defined in 45-2-101.

27

28 NEW SECTION. Section 2. Contents of petition -- establishment of claim for compensation. (1)

1 A claimant may bring a civil action against the state AND COUNTY OF CONVICTION in the district court in which the  
 2 conviction originated TO SEEK THE RELIEF PROVIDED FOR IN [SECTION 5 6]. All claims of compensation are  
 3 governed by the Montana Rules of Civil Procedure. The claim must be:

4 (a) accompanied by a statement of facts explaining the basis of the claim, INCLUDING A PROFFER  
 5 ESTABLISHING ACTUAL INNOCENCE;

6 (b) written and verified by the claimant under penalty of perjury; and

7 (c) filed within a period of 3 years after:

8 (i) dismissal of the criminal charges against the claimant or a finding of not guilty on retrial; or

9 (ii) the grant of a pardon to the claimant IF THE PARDON IS BASED ON INNOCENCE FOR THE ACT THAT WAS  
 10 THE BASIS OF THE CONVICTION.

11 (2) A claimant convicted, imprisoned, and released from custody before July 1, 2021, who intends to  
 12 bring an action under [sections 1 through 6 7 8] shall commence the action no later than July 1, 2024.

13 (3) All pleadings must be captioned as follows: "In the matter of the wrongful conviction of [name of  
 14 claimant]."

15 (4) (a) A claimant who meets the criteria in subsection (1) and intends to bring an action under  
 16 [sections 1 through 6 7 8] must receive a transition assistance grant of \$5,000 from the department of  
 17 corrections within 30 days of the claimant's release from imprisonment.

18 (b) The claimant shall verify by affidavit filed with the department of corrections that the claimant  
 19 satisfies the requirements set forth in subsection (1), under penalty of perjury.

20 (c) If the claimant fails to file a claim within the time period described in this section, or if the claim is  
 21 denied by the district court, the claimant shall reimburse the state in the amount of \$5,000 within 1 year  
 22 following receipt of the grant money.

23 ~~(5) AN INDIVIDUAL WHO HAS BEEN A PREVAILING PARTY IN A LAWSUIT IN STATE OR FEDERAL COURT THAT~~  
 24 ~~ALLEGED FACTS WHICH COULD ESTABLISH A COGNIZABLE CLAIM PURSUANT TO [SECTIONS 1 THROUGH 7 ] MAY NOT BE A~~  
 25 ~~CLAIMANT.~~

26 ~~(6) AN INDIVIDUAL MAY NOT BE A CLAIMANT IF THE INDIVIDUAL LITIGATED A LAWSUIT IN STATE OR FEDERAL~~  
 27 ~~COURT OR SETTLED A CLAIM THAT ALLEGED FACTS WHICH COULD ESTABLISH A COGNIZABLE CLAIM PURSUANT TO~~  
 28 ~~[SECTIONS 1 THROUGH 7 ] BUT:~~

- 1           ~~(A) DID NOT RECOVER DAMAGES AT TRIAL;~~  
 2           ~~(B) RECOVERED DAMAGES IN AN AMOUNT LESS THAN THE AMOUNT TO WHICH THE PERSON WOULD BE~~  
 3           ~~ENTITLED UNDER [SECTION 5]; OR~~  
 4           ~~(C) HAD THE CASE DISMISSED WITH PREJUDICE.~~

5  
 6           **NEW SECTION. SECTION 3. ELECTION OF REMEDIES.** (1) TO BE ELIGIBLE TO RECEIVE RELIEF UNDER  
 7           [SECTION 2], THE CLAIMANT SHALL AFFIRMATIVELY WAIVE ANY AND ALL OTHER REMEDIES, CAUSES OF ACTION, AND  
 8           OTHER FORMS OF RELIEF OR COMPENSATION AGAINST THE STATE, ANY POLITICAL SUBDIVISION OF THE STATE, AND THEIR  
 9           OFFICERS, EMPLOYEES, AGENTS, AND VOLUNTEERS RELATED TO THE CLAIMANT'S WRONGFUL CONVICTION AND  
 10           IMPRISONMENT. THIS WAIVER INCLUDES ALL STATE, COMMON LAW, AND FEDERAL CLAIMS FOR RELIEF, INCLUDING CLAIMS  
 11           PURSUANT TO 42 U.S.C. 1983. THE CLAIMANT SHALL EXECUTE A RELEASE OF ALL CLAIMS AGAINST THE STATE, ANY  
 12           POLITICAL SUBDIVISION OF THE STATE, AND THEIR OFFICERS, EMPLOYEES, AGENTS AND VOLUNTEERS ARISING FROM THE  
 13           FACTS CONTAINED IN THE PETITION PRIOR TO THE PAYMENT OF ANY DAMAGES OR COMPENSATION OR THE RECEIPT OF A  
 14           HOUSING VOUCHER UNDER [SECTION 6].

15           (2) AN INDIVIDUAL WHO HAS A LEGAL PROCEEDING PENDING OR IN WHICH JUDGMENT HAS BEEN ENTERED IN  
 16           STATE OR FEDERAL COURT SEEKING DAMAGES OR RELIEF FOR WRONGFUL CONVICTION OR IMPRISONMENT BASED ON  
 17           FACTS THAT COULD ESTABLISH A COGNIZABLE CLAIM PURSUANT TO [SECTIONS 1 THROUGH 8] MAY NOT BRING A CLAIM  
 18           UNDER [SECTION 2].

19  
 20           **NEW SECTION. SECTION 4. Commencement of proceedings -- burden of proof.** (1) A claimant is  
 21           entitled to a hearing in district court as expeditiously as possible after filing a claim for compensation.

22           (2) A claim filed pursuant to [sections 1 through ~~6~~ 7 ~~8~~] must be served on the department of justice  
 23           AND THE COUNTY OF CONVICTION. The department shall provide a defense for the state AND THE COUNTY OF  
 24           CONVICTION SHALL PROVIDE ITS OWN DEFENSE for claims filed under [sections 1 through ~~6~~ 7 ~~8~~].

25           (3) A claim filed under [sections 1 through ~~6~~ 7 ~~8~~] must be tried by a jury unless a jury trial is waived  
 26           upon agreement of the parties.

27           (4) If a claimant dies prior to filing or during pendency of a claim under [sections 1 through ~~6~~ 7 ~~8~~], the  
 28           person's estate may file or maintain a claim pursuant to [sections 1 through ~~6~~ 7 ~~8~~].

1 (5) The claimant must prove by ~~a preponderance of the~~ CLEAR AND CONVINCING A PREPONDERANCE OF  
 2 THE evidence that:

3 (a) the claimant did not commit the crime or crimes for which the claimant was convicted, did not aid,  
 4 abet, or act as an accomplice or accessory to a person who committed the acts that were the basis of the  
 5 conviction, and did not commit a lesser offense necessarily included in the crime for which the claimant was  
 6 convicted;

7 (b) the claimant did not commit perjury under 45-7-201, fabricate evidence, or by the claimant's own  
 8 conduct cause or bring about the conviction. A confession or admission that is later found to be false or a guilty  
 9 plea that is withdrawn does not constitute committing perjury, fabricating evidence, or causing or bringing about  
 10 the conviction, and 45-7-201 does not apply.

11 (c) (i) the claimant's conviction was reversed or vacated and either the claimant was not retried and  
 12 the charges were dismissed, or the claimant was retried and was found not guilty, and the basis for reversing or  
 13 vacating the conviction was not legal error unrelated to factual innocence; or

14 (ii) the claimant was pardoned by the board of pardons and parole or the governor on the grounds that  
 15 the claimant was innocent OF THE ACT FOR WHICH THE CLAIMANT WAS CONVICTED.

16 (6) The court, in exercising its discretion regarding the weight and admissibility of evidence submitted  
 17 under this section, may in the interest of justice give due consideration to difficulties of proof caused by the  
 18 passage of time, the death or unavailability of witnesses, the destruction of evidence, or other factors not  
 19 caused by claimants, the state, THE COUNTY OF CONVICTION, or those acting on their behalf.

20 (7) If the court finds that the claimant is entitled to judgment, the court shall enter a certificate of  
 21 innocence finding that the claimant is innocent of all crimes for which the claimant was mistakenly convicted.  
 22 The clerk of the court shall send a certified copy of the certificate of innocence and the judgment to the  
 23 department of justice AND THE COUNTY OF CONVICTION for payment pursuant to [sections 1 through ~~6~~ 7].

24 (8) The decision of the district court may be appealed directly to the supreme court.

25 ~~(9) IF, FOLLOWING THE ENTRY OF THE CERTIFICATE OF INNOCENCE AND THE RELATED JUDGMENT, EITHER THE~~  
 26 ~~SUPREME COURT AFFIRMS THE JUDGMENT OR THE STATE DOES NOT APPEAL THE JUDGMENT, THE CLAIMANT SHALL MOVE~~  
 27 ~~TO DISMISS WITH PREJUDICE ANY COMPLAINT PENDING IN STATE OR FEDERAL COURT RELATED TO THE SAME SUBJECT IN~~  
 28 ~~THE CLAIM FILED PURSUANT TO [SECTION 2] ;~~

1  
2           **NEW SECTION. Section 5. Expungement.** (1) Upon entry of a certificate of innocence, the court  
3 shall order the associated convictions and arrest records expunged and purged from all applicable systems,  
4 including both electronic and hard copy systems. The court shall enter the expungement order regardless of  
5 whether the claimant has prior criminal convictions in other cases that are not the subject of the claim for  
6 compensation.

7           (2) The order of expungement must state:

8           (a) the claimant's current full name;

9           (b) the claimant's full name at the time of arrest and conviction, if different from the claimant's current  
10 name;

11           (c) the claimant's sex, race, and date of birth;

12           (d) the crime for which the claimant was arrested and convicted;

13           (e) the date of the claimant's arrest and the date of the claimant's conviction; and

14           (f) the identity of the arresting law enforcement authority and the identity of the district court that  
15 rendered the conviction.

16           (3) The order of expungement also must direct the department of justice to purge the conviction and  
17 arrest information from the central repository of the criminal justice information network and all applicable  
18 databases. The clerk of the court shall send a certified copy of the order to the department of justice for  
19 immediate action, and the department shall carry out the order and notify the federal bureau of investigation,  
20 the department of corrections, and any other criminal justice agency that may have a record of the conviction  
21 and arrest. The department of justice shall provide confirmation of the action to the court.

22           (4) If a certificate of innocence and an order of expungement are entered, the claimant must be  
23 treated as not having been arrested or convicted of the crime or crimes to which the certificate of innocence  
24 applies.

25           (5) (a) Upon entry of a certificate of innocence:

26           (i) the court shall order the expungement and destruction of any associated biological samples from  
27 the claimant. The order must state the information required to be expunged and destroyed.

28           (ii) the court shall seal all district court records regarding the conviction. The district court records are

1 only available upon a good cause finding by the court.

2 (iii) the clerk of the court shall send a certified copy of the order to the department of justice, which  
3 must carry out the order and provide confirmation of the action to the court.

4 (b) The department is not required to expunge and destroy any samples record associated with the  
5 claimant related to an offense other than the offense or offenses for which the court has entered a certificate of  
6 innocence.

7 (6) The decision to grant or deny a certificate of innocence does not have a res judicata effect on any  
8 other criminal proceedings involving the claimant.

9  
10 **NEW SECTION. Section 6. Damages.** (1) Damages, except as provided in subsection (3), awarded  
11 under this section are:

12 (a) \$60,000 for each year of imprisonment; and

13 (b) \$25,000 for each additional year served on parole or probation supervision or for each additional  
14 year the claimant was required to register as a sexual or violent offender, whichever is greater.

15 (2) Compensation awarded under [sections 1 through ~~6~~ 7 ~~8~~] is not subject to the monetary limitation  
16 under 2-9-108.

17 (3) ~~An individual or political subdivision of the state is not responsible to pay damages, if any, and all~~  
18 ALL damages must be paid ~~solely by the state~~ OUT OF THE DEDUCTIBLE RESERVE FUND ESTABLISHED PURSUANT TO  
19 ~~2-9-202~~ OUT OF THE ACCOUNT PROVIDED FOR IN [SECTION 7 ~~8~~].

20 (4) A claimant is not entitled to receive compensation for any period of imprisonment during which the  
21 claimant was concurrently serving a sentence for a conviction of another crime for which the claimant was  
22 lawfully convicted and incarcerated.

23 (5) (a) Except as provided in subsection (5)(b), the court shall order that the award be paid as a  
24 combination of an initial payment not to exceed \$100,000 or 25% of the award, whichever is greater, and the  
25 remainder as an annuity not to exceed \$80,000 a year.

26 (b) (i) On July 1 of each year, the award increases by an amount equal to the percentage increase, if  
27 any, for the preceding calendar year in the annual average consumer price index for urban wage earners,  
28 compiled by the bureau of labor statistics of the United States department of labor or its successor agency.

1 (ii) The amount for any partial year must be prorated in order to compensate only for the portion of the  
2 year when the claimant was incarcerated.

3 (c) The claimant shall designate a beneficiary or beneficiaries for the annuity by filing a beneficiary  
4 designation with the court.

5 (d) The court may order that the award be paid in one lump sum if the court finds that it is in the best  
6 interests of the claimant.

7 (6) (a) In addition to the damages awarded pursuant to subsection (1), a claimant:

8 (i) is entitled to receive costs, including but not limited to the actual cost of all expenses reasonably  
9 incurred in an action brought pursuant to [sections 1 through ~~6~~ 7 ~~8~~], and reasonable attorney fees, not to  
10 exceed a total of \$25,000, ~~unless a greater amount is authorized by the court upon a finding of good cause;~~

11 ~~(ii) may also be awarded other nonmonetary relief as sought in the complaint for compensation,~~  
12 ~~including but not limited to counseling, housing assistance, and personal financial literacy assistance, as~~  
13 ~~appropriate;~~

14 ~~(iii)(ii)~~ is entitled to up to 2 years of tuition assistance at any unit or campus of the Montana university  
15 system, which must be used during the first 5 years after receiving a damages award; and

16 ~~(iv)(iii)~~ is entitled to 1 year of state-funded medical insurance.

17 (b) All funds received by the claimant and the value of services provided, except any attorney fees  
18 retained by counsel, are exempt from state income taxes.

19 (7) The department of corrections shall provide ~~all reentry services to the claimant that are provided to~~  
20 ~~other persons, including but not limited to financial assistance, housing assistance, mentoring, and counseling.~~  
21 ~~These services must be provided~~ A HOUSING VOUCHER PURSUANT TO 46-23-1041 TO THE CLAIMANT while an action  
22 under [sections 1 through ~~6~~ 7 ~~8~~] is pending ~~and after any judgment is entered, provided the claimant prevails.~~

23  
24 NEW SECTION. Section 7. Offset provision. (1) If, ~~EXCEPT FOR OTHER CLAIMS IN STATE COURT AS~~  
25 PROVIDED IN [SECTION 2(5)], ~~IF~~ at the time of a damages award made pursuant to [section 5 ], the claimant has  
26 won a monetary award against the state or a political subdivision of the state in a civil action related to the  
27 same subject ~~IN THE CLAIM FILED PURSUANT TO [SECTION 2], or has entered into a settlement agreement with the~~  
28 state or a political subdivision of the state related to the same subject ~~AS THE CLAIM FILED PURSUANT TO [SECTION~~

1 ~~2], the amount of the award in the action or the amount received in the settlement agreement, less any amounts~~  
 2 ~~paid to attorneys for actual costs and expenses in litigating the other civil action or obtaining the settlement~~  
 3 ~~agreement, must be deducted from the amount of money to which the claimant is entitled under [section 5-4~~  
 4 ~~through 6-7]. The court shall include in the judgment entry an award to the state AN ENTRY TO DEDUCT THIS~~  
 5 ~~AMOUNT FROM AN AWARD PURSUANT TO [SECTION 5] TO REFLECT THE NET DAMAGES OWED TO THE CLAIMANT of the~~  
 6 ~~amount s deducted.~~

7 ~~(2) (a) If EXCEPT FOR OTHER CLAIMS IN STATE COURT AS PROVIDED IN [SECTION 2(5)], if subsection (1)~~  
 8 ~~does not apply and if, after the time of a damages award made pursuant to [section 5 ], the claimant wins a~~  
 9 ~~monetary award against the state or a political subdivision of the state in a civil action related to the same~~  
 10 ~~subject, or enters into a settlement agreement with the state or a political subdivision of the state related to the~~  
 11 ~~same subject, the claimant shall reimburse the state for the amount of money paid under the damages award~~  
 12 ~~PURSUANT TO [SECTION 5], less any amounts paid to attorneys for actual costs and expenses in litigating the~~  
 13 ~~other civil action s or obtaining the settlement agreement .~~

14 ~~(b) A reimbursement required under subsection (2)(a) may not exceed the amount of the monetary~~  
 15 ~~award the claimant wins for damages in the other civil action or the amount received in the settlement~~  
 16 ~~agreement. IN THE EVENT THE WAIVER OR RELEASE PROVIDED UNDER [SECTION 3(1)] IS HELD INVALID IN WHOLE OR IN~~  
 17 ~~PART FOR ANY REASON:~~

18 ~~(1) IF, AT THE TIME OF AN AWARD OF MONETARY DAMAGES OR COMPENSATION UNDER [SECTION 6], THE~~  
 19 ~~CLAIMANT HAS ALSO BEEN AWARDED DAMAGES AGAINST THE STATE, A POLITICAL SUBDIVISION, OR THEIR OFFICERS,~~  
 20 ~~EMPLOYEES, AGENTS, OR VOLUNTEERS IN A CIVIL ACTION RELATED TO THE CLAIMANT'S SAME WRONGFUL CONVICTION~~  
 21 ~~OR IMPRISONMENT, INCLUDING ANY SETTLEMENT, THE AMOUNT AWARDED UNDER [SECTION 6] MUST BE REDUCED BY THE~~  
 22 ~~AMOUNT OF DAMAGES OR COMPENSATION PREVIOUSLY AWARDED; AND~~

23 ~~(2) IF, AFTER THE TIME OF AN AWARD OF MONETARY DAMAGES OR COMPENSATION UNDER [SECTION 6], THE~~  
 24 ~~CLAIMANT IS AWARDED DAMAGES AGAINST THE STATE, A POLITICAL SUBDIVISION, OR THEIR OFFICERS, EMPLOYEES,~~  
 25 ~~AGENTS, OR VOLUNTEERS IN A CIVIL ACTION RELATED TO THE CLAIMANT'S SAME WRONGFUL CONVICTION OR~~  
 26 ~~IMPRISONMENT, INCLUDING ANY SETTLEMENT, THE CLAIMANT SHALL REIMBURSE TO THE STATE OR A POLITICAL~~  
 27 ~~SUBDIVISION OF THE STATE ANY AMOUNT AWARDED UNDER [SECTION 6].~~

28

1           NEW SECTION. Section 8. EXONEREE COMPENSATION FUND. (1) THERE IS AN ACCOUNT IN THE STATE  
 2           SPECIAL REVENUE FUND ESTABLISHED IN 17-2-102 KNOWN AS THE EXONEREE COMPENSATION FUND.

3           (2) MONEY IN THIS ACCOUNT MAY BE USED ONLY TO PAY COMPENSATION AWARDED UNDER [SECTIONS 1  
 4           THROUGH 7 8].

5           (3) (A) FUNDS IN THE ACCOUNT MAY COME FROM GRANTS, GIFTS, DONATIONS, FUND TRANSFERS, AND FUNDS  
 6           RECEIVED FROM COUNTIES AND CONSOLIDATED LOCAL GOVERNMENTS.

7           (B) THE COUNTY OR CONSOLIDATED GOVERNMENT WHERE THE EXONEREE WAS CONVICTED IS RESPONSIBLE  
 8           FOR 75% OF THE DAMAGES, COSTS OF MEDICAL INSURANCE AND TUITION, COSTS, AND ATTORNEY FEES AWARDED TO A  
 9           CLAIMANT.

10          (C) THE DEPARTMENT OF ADMINISTRATION SHALL INVOICE THE RESPONSIBLE COUNTY OR CONSOLIDATED  
 11          GOVERNMENT NO LATER THAN 30 DAYS FROM THE APPEAL DEADLINE, IF NO APPEAL IS FILED, OR NO LATER THAN 30  
 12          DAYS FROM ENTRY OF REMITTITUR BY THE MONTANA SUPREME COURT.

13          (D) THE COUNTY OR CONSOLIDATED LOCAL GOVERNMENT SHALL REMIT PAYMENT TO THE STATE NO LATER  
 14          THAN 30 DAYS OF RECEIPT OF THE INVOICE.

15          ~~(3)~~(4) THE MONEY IN THE ACCOUNT MAY BE INVESTED PURSUANT TO TITLE 17, CHAPTER 6. THE INCOME AND  
 16          EARNINGS ON THE ACCOUNT MUST BE DEPOSITED IN THE ACCOUNT.

17          (5) FUNDS IN THE ACCOUNT ARE STATUTORILY APPROPRIATED, AS PROVIDED IN 17-7-502, TO THE  
 18          DEPARTMENT OF ADMINISTRATION FOR PAYMENT OF DAMAGES, COSTS OF MEDICAL INSURANCE AND TUITION, COSTS,  
 19          AND ATTORNEY FEES AWARDED PURSUANT TO [SECTION 6].

20

21          **SECTION 9. SECTION 17-7-502, MCA, IS AMENDED TO READ:**

22          **"17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory  
 23          appropriation is an appropriation made by permanent law that authorizes spending by a state agency without  
 24          the need for a biennial legislative appropriation or budget amendment.

25          (2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with  
 26          both of the following provisions:

27               (a) The law containing the statutory authority must be listed in subsection (3).

28               (b) The law or portion of the law making a statutory appropriation must specifically state that a

1 statutory appropriation is made as provided in this section.

2 (3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120; 5-11-  
 3 407; 5-13-403; 5-13-404; 7-4-2502; 10-1-108; 10-1-1202; 10-1-1303; 10-2-603; 10-2-807; 10-3-203; 10-3-310;  
 4 10-3-312; 10-3-314; 10-3-802; 10-3-1304; 10-4-304; 15-1-121; 15-1-218; 15-31-1004; 15-31-1005; 15-35-108;  
 5 15-36-332; 15-37-117; 15-39-110; 15-65-121; 15-70-101; 15-70-130; 15-70-433; 16-11-119; 16-11-509; 17-3-  
 6 106; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-7-215; 18-11-112; 19-3-319; 19-3-320; 19-6-404; 19-6-410;  
 7 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 19-20-607; 19-21-203; 20-8-  
 8 107; 20-9-534; 20-9-622; 20-9-905; 20-26-617; 20-26-1503; 22-1-327; 22-3-116; 22-3-117; 22-3-1004; 23-4-  
 9 105; 23-5-306; 23-5-409; 23-5-612; 23-7-301; 23-7-402; 30-10-1004; 37-43-204; 37-50-209; 37-54-113; 39-71-  
 10 503; 41-5-2011; 42-2-105; 44-4-1101; 44-12-213; 44-13-102; section 8; 50-1-115; 53-1-109; 53-6-148; 53-9-  
 11 113; 53-24-108; 53-24-206; 60-11-115; 61-3-321; 61-3-415; 67-1-309; 69-3-870; 69-4-527; 75-1-1101; 75-5-  
 12 1108; 75-6-214; 75-11-313; 75-26-308; 76-13-151; 76-13-150; 76-17-103; 76-22-109; 77-1-108; 77-2-362; 80-  
 13 2-222; 80-4-416; 80-11-518; 80-11-1006; 81-1-112; 81-1-113; 81-7-106; 81-7-123; 81-10-103; 82-11-161; 85-2-  
 14 526; 85-20-1504; 85-20-1505; [ 85-25-102]; 87-1-603; 90-1-115; 90-1-205; 90-1-504; 90-6-331; and 90-9-306.

15 (4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing,  
 16 paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued  
 17 pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of  
 18 Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined  
 19 by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have  
 20 statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the  
 21 inclusion of 19-20-604 terminates contingently when the amortization period for the teachers' retirement  
 22 system's unfunded liability is 10 years or less; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of 19-6-410  
 23 terminates contingently upon the death of the last recipient eligible under 19-6-709(2) for the supplemental  
 24 benefit provided by 19-6-709; pursuant to sec. 27, Ch. 285, L. 2015, and sec. 1, Ch. 292, L. 2015, the inclusion  
 25 of 53-9-113 terminates June 30, 2021; pursuant to sec. 6, Ch. 291, L. 2015, the inclusion of 50-1-115  
 26 terminates June 30, 2021; pursuant to sec. 5, Ch. 383, L. 2015, the inclusion of 85-25-102 is effective on  
 27 occurrence of contingency; pursuant to sec. 6, Ch. 423, L. 2015, the inclusion of 22-3-116 and 22-3-117  
 28 terminates June 30, 2025; pursuant to sec. 33, Ch. 457, L. 2015, the inclusion of 20-9-905 terminates

1 December 31, 2023; pursuant to sec. 12, Ch. 55, L. 2017, the inclusion of 37-54-113 terminates June 30, 2023;  
 2 pursuant to sec. 4, Ch. 122, L. 2017, the inclusion of 10-3-1304 terminates September 30, 2025; pursuant to  
 3 sec. 55, Ch. 151, L. 2017, the inclusion of 30-10-1004 terminates June 30, 2021; pursuant to sec. 1, Ch. 213, L.  
 4 2017, the inclusion of 90-6-331 terminates June 30, 2027; pursuant to secs. 5, 8, Ch. 284, L. 2017, the  
 5 inclusion of 81-1-112, 81-1-113, and 81-7-106 terminates June 30, 2023; pursuant to sec. 1, Ch. 340, L. 2017,  
 6 the inclusion of 22-1-327 terminates July 1, 2023; pursuant to sec. 10, Ch. 374, L. 2017, the inclusion of 76-17-  
 7 103 terminates June 30, 2027; pursuant to sec. 5, Ch. 50, L. 2019, the inclusion of 37-50-209 terminates  
 8 September 30, 2023; pursuant to sec. 1, Ch. 408, L. 2019, the inclusion of 17-7-215 terminates June 30, 2029;  
 9 pursuant to secs. 11, 12, and 14, Ch. 343, L. 2019, the inclusion of 15-35-108 terminates June 30, 2027;  
 10 pursuant to sec. 7, Ch. 465, L. 2019, the inclusion of 85-2-526 terminates July 1, 2023; and pursuant to sec. 5,  
 11 Ch. 477, L. 2019, the inclusion of 10-3-802 terminates June 30, 2023.)"

12

13 **Section 10.** SECTION 46-23-1041, MCA, IS AMENDED TO READ:

14 **"46-23-1041. Rental vouchers.** (1) If the department does not approve an offender's parole plan  
 15 because the offender is unable to secure suitable living arrangements, the department may provide rental  
 16 vouchers to the offender for a period not to exceed 3 months if the rental assistance will result in an approved  
 17 parole plan.

18 (2) The department shall provide a rental voucher to a claimant if required by [section 5(7) 6(7)].

19 (2)(3) The voucher provided pursuant to subsection (1) must be provided in conjunction with  
 20 additional transition support that enables the offender to participate in programs and services, including but not  
 21 limited to substance abuse treatment, mental health treatment, sex offender treatment, educational  
 22 programming, or employment programming."

23

24 NEW SECTION. Section 11. TRANSFER OF FUNDS. BY AUGUST 15, 2021, THE STATE TREASURER SHALL  
 25 TRANSFER \$700,000 FROM THE GENERAL FUND TO THE ACCOUNT ESTABLISHED IN [SECTION 7]. AFTER THE APPEAL  
 26 DEADLINE, IF NO APPEAL IS FILED, OR NO LATER THAN 30 DAYS FROM ENTRY OF REMITTITUR BY THE MONTANA SUPREME  
 27 COURT, 25% OF THE DAMAGES, COSTS OF MEDICAL INSURANCE AND TUITION, COSTS, AND ATTORNEY FEES AWARDED  
 28 TO THE CLAIMANT SHALL BE TRANSFERRED FROM THE GENERAL FUND TO THE ACCOUNT ESTABLISHED IN [SECTION 8].

